

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESUS CANO,

Plaintiff,

-against-

SEIU LOCAL 32BJ, et al.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 01/14/2021

ORDER

19-CV-8810 (PAE) (KHP)

KATHARINE H. PARKER, United States Magistrate Judge.

Plaintiff has informed the Court that he has not retained counsel yet and that he would like his Amended Complaint at ECF No. 39 to serve as the operative complaint rather than file another further amended complaint. Accordingly, the Amended Complaint at ECF No. 39 will be accepted and serve as the operative complaint. As such, Defendant SEIU Local 32 BJ's motion to dismiss the initial complaint filed at ECF No. 30 is DENIED as moot, and the **motion to dismiss the amended complaint filed at ECF No. 46**, which was terminated by the Omnibus Scheduling Order at ECF No. 50, **is reinstated**.

In light of the foregoing, the Court hereby orders the following schedule:

- **February 25, 2021:** deadline for Defendant Solil Management and Individual Defendants to respond to Plaintiff's Amended Complaint at ECF No. 39.
- **March 31, 2021:** deadline for Plaintiff to oppose Defendant SEIU Local 32 BJ's motion to dismiss at ECF No. 46 and, if Defendant Solil Management and Individual Defendants file a motion to dismiss, to oppose that motion.

- **April 15, 2021:** deadline for all Defendants' replies in support of their motions to dismiss.

Additionally, at yesterday's conference, Plaintiff informed the Court that he wishes to be referred to as Jesus Cano. In light of Plaintiff's request, **the Clerk of Court is kindly directed to change Plaintiff's name in the case caption and on ECF to "Jesus M. Cano."** **Going forward, the Court will refer to Plaintiff as Jesus M. Cano.**

Finally, Plaintiff filed a letter dated January 11, 2021 (ECF No. 58) requesting an entry of default as to all defendants. This is not a proper motion, and Defendants need not reply.

The Clerk of Court is requested to mail a copy of this Order to the Plaintiff.

SO ORDERED.

Dated: January 14, 2021
New York, New York



KATHARINE H. PARKER
United States Magistrate Judge